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8 *LLC. and Bank of America, NA*

9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 MICHAEL BONDI,

12 Plaintiff,

13 v.

14 NATIONSTAR MORTGAGE LLC, a Delaware
15 Corporation; BANK OF AMERICA N.A., DOES
16 I-X, inclusive, and ROE CORPORATIONS I-X,
inclusive,

17 Defendants.

Case No.: 2:14-cv-001215-LDG-GWF

**STIPULATION AND ORDER TO TAKE
DEPOSITION OUTSIDE OF THE CLOSE
OF DISCOVERY**

(First Request)

20 Defendants Nationstar Mortgage, LLC (Nationstar), Bank of America, N.A. (**Bank of**
21 **America**) and Plaintiff Michael Bondi (**Plaintiff**) respectfully submit the following stipulation to
22 take the deposition of Bank of America's Rule 30(b)(6) repetitive outside of the discovery deadline.
23 This is the parties' first request to take a deposition outside of the discovery deadline, and is
24 submitted in resolution of the discovery dispute detailed in Bank of America's Motion for Protective
25 Order [Dkt. 48].
26

I. INTRODUCTION.

This lawsuit arises out of a dispute regarding the alleged agreement to waive collection on a second mortgage following the 2009 foreclosure on plaintiff's property. Plaintiff asserts causes of action under the FDCPA and FCRA as well as claims of Fraud, Misrepresentation and Civil Conspiracy.

Discovery in this matter presently closes on March 14, 2016. On March 5, 2016, plaintiff served 2 deposition notices for the "person most knowledgeable" for Bank of America and Nationstar. The notices did not contain topics and set the depositions both on March 14, 2016 and both in Las Vegas, Nevada. Though the parties were able to resolve their dispute with regard to the Nationstar Notice of Deposition, Bank of America filed a motion for protective order on March 11, 2016 [Dkt. 48]. Following the filing of the motion for protective order, the parties came to an agreement to resolve the discovery dispute and submit this stipulation and order in accordance with that agreement:

II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.

On January 14, 2016, the court entered an order granting plaintiff a second extension of discovery, which set the following deadlines: and set the following deadlines:

- (a) Discovery Cut Off: March 14, 2016
- (b) Deadline to File Motions or Amend Pleadings: N/A
- (c) Initial Expert Disclosures Deadline: N/A
- (d) Rebuttal Expert Disclosures Deadline: N/A
- (e) Dispositive Motion Deadline: April 13, 2016

The following discovery has been completed:

- 1. Defendants have propounded Interrogatories, Requests for Admission and Requests for Production of documents upon plaintiff.
- 2. Plaintiff had propounded written discovery on both Nationstar and Bank of America,

3. All parties have provided initial disclosures,

4. The deposition of plaintiff was completed on March 9, 2016.

5. The deposition of Nationstar's Rule 30(b)(6) witness was completed on March 14, 2016.

II. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED.

1. Deposition of Bank of America's Rule 30(b)(6) witness

III. REASON WHY EXTENSION IS REQUIRED.

Discovery in this case closes on March 14, 2016. Plaintiff served deposition notices on March 5, 2016 for both Nationstar and Bank of America's "Person Most Knowledgeable", which contained no topics and set the depositions in Las Vegas, Nevada. The short notice and lack of topics did not allow a Bank of America witness to be identified and produced. The full details of the discovery dispute is outlined in Bank of America's Motion for Protective Order [Dkt. 48]. In resolution of that motion, the parties agree as follows:

(1) The deposition of Bank of America's Rule 30(b)(6) witness may be taken outside the close of discovery, up to and including March 28, 2016.

(2) Bank of America will produce its witness in Dallas, Texas.

(3) Plaintiff's counsel may take the deposition by telephone or videoconference to avoid the expense of travel to Dallas, Texas.

(4) There will be no extension of the present dispositive motion deadline; and

(5) The deposition topics will be as follows:

(i) Bank of America's credit reporting of Bondi's second mortgage loan;

(ii) The timing of the service transfer of Bondi's second mortgage loan from Bank of America to Nationstar; and

(iii) The existence of any record of a deficiency waiver agreement by Bank of America on Bondi's second mortgage loan.

The court has not granted any previous request to take a deposition in this matter outside the close of discovery.

IV. CONCLUSION

The parties agree that allowing Plaintiff to take Bank of America's Rule 30(b)(6) deposition outside of discovery is appropriate given the circumstances and will promote the expeditious resolution of this case. This stipulation and order will also render the pending Motion for Protective Order [Dkt. 48] moot as resolved.

DATED this _____ day of March, 2016.

AKERMAN LLP	FULLER LAW PRACTICE
<u>/s/ Allison R. Schmidt</u> DARREN BRENNER, ESQ. Nevada Bar No. 8386 ALLISON R. SCHMIDT, ESQ. Nevada Bar No. 10743 1160 Town Center Drive, Suite 330 Las Vegas, Nevada 89144 <i>Attorneys for Defendants</i>	<u>/s/ Rebecca Fuller</u> Rebecca Fuller, Esq. Nevada Bar No. 9809 500 N. Rainbow Blvd., Suite 300 Las Vegas, NV 89107 <i>Attorney for Plaintiff</i>

ORDER

IT IS SO ORDERED:


 UNITED STATES MAGISTRATE JUDGE

DATED: March 17, 2016